

# The Qualifications Wales Transfer (No. 2) Scheme 2015

*Made* 16 September 2015

*Laid before the National Assembly for Wales*  
16 September 2015

*Coming into force* 21 September 2015

The Welsh Ministers, in exercise of the powers conferred by section 2(3) of and Schedule 2 to the Qualifications Wales Act 2015<sup>(1)</sup>, make the following Transfer Scheme.

## **Title and commencement**

**1.**—(1) The title of this Scheme is the Qualifications Wales Transfer (No. 2) Scheme 2015.

(2) This Scheme comes into force on 21 September 2015.

## **Interpretation**

**2.** In this Scheme—

“collective agreement” (“*cydgytundeb*”) and “collective bargaining” (“*cydfargeinio*”) have the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992;

“members of staff” (“*aelodau o staff*”) means the members of staff transferring under article 3 of this Scheme;

“records” (“*cofnodion*”) include written records and records conveying information by any other means.

## **Transfer of members of staff of the Welsh Government and continuity of employment**

**3.** On 21 September 2015, the members of staff whose Welsh Government staff numbers are listed in this article transfer to the employment of Qualifications Wales—

0006003691	0006003743	0006005541
0006008154	0006010724	0006012860
0006012574	0006012855	
0006012869	0006012924	

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<sup>(1)</sup> 2015 anaw 5.

4. On 21 September 2015, the Welsh Ministers' rights, powers, duties and liabilities under or in connection with the contract of employment of the members of staff are transferred to Qualifications Wales, but see article 5.

5. Article 4 does not—

- (a) transfer or otherwise affect the liability of any person to be prosecuted for, convicted of and sentenced for any offence; or
- (b) transfer any rights, powers, duties or liabilities in relation to any provision of a collective agreement if that provision is agreed on or after 21 September 2015 and Qualifications Wales was not a participant in the collective bargaining for the provision.

6. The period of continuous employment of the members of staff is not broken by the transfer to the employment of Qualifications Wales.

7. The contract has effect after the transfer as if originally made between the member of staff and Qualifications Wales except that it has effect as if it does not incorporate provisions of a collective agreement described in article 5(b).

8. Anything done or omitted to be done by the Welsh Ministers before 21 September 2015 in relation to the contracts of employment of the members of staff is treated on or after 21 September 2015 as having been done or omitted to be done by Qualifications Wales.

### **Transfer of the property, rights and liabilities of the Welsh Ministers**

9.—(1) On 21 September 2015 the following matters transfer from the Welsh Ministers to Qualifications Wales—

- (a) the property listed in Part 1 of the Schedule, and the associated rights and liabilities;
- (b) the rights and liabilities listed in Part 1 of the Schedule;
- (c) the grants agreements falling within the categories of grants agreements listed in Part 2 of the Schedule and the associated rights and liabilities;
- (d) the documents and records listed in Part 3 of the Schedule and the associated rights and liabilities.

(2) This article does not transfer Crown copyright.

10. For references to—

- (a) the Welsh Ministers;
- (b) the First Minister;
- (c) the Welsh Government;

- (d) the Welsh Assembly Government;
- (e) the National Assembly for Wales;
- (f) the National Assembly; and
- (g) the Assembly,

substitute Qualifications Wales in any agreements, contracts or legal proceedings which relate to any property, rights or liabilities transferred by this Scheme unless the contrary intention applies.

### **Crown copyright**

**11.**—(1) Where the matters listed in the Schedule are subject to Crown copyright, from 21 September 2015 the Welsh Ministers grant Qualifications Wales a licence to use Crown copyright materials as Qualifications Wales may require in order to carry out its functions subject to the requirement in paragraph (2).

(2) Qualifications Wales must use the materials for their intended purpose and must not use the materials in any manner which could bring the reputation of the Welsh Ministers into disrepute.

(3) The Welsh Ministers may review the use of such materials by Qualifications Wales in order that they may satisfy themselves that there has been no failure to comply with the requirement in paragraph (2).

(4) The Welsh Ministers may terminate or modify the licence granted by this Scheme and may remove specific matters from the scope of the licence.

### **Access to documents and records**

**12.**—(1) Where the Welsh Ministers hold records or documents which relate to or are connected with the property, rights, and liabilities transferred to Qualifications Wales under this Scheme, but which do not transfer, the Welsh Ministers may provide to Qualifications Wales any such record or document on such conditions and subject to such restrictions as the Welsh Ministers consider appropriate.

(2) Where records and documents have transferred to Qualifications Wales under this Scheme, the Welsh Ministers may, after providing reasonable notice to Qualifications Wales, take or be supplied with copies of those records or documents, or any part of them.

### **Modification of this Scheme**

**13.**—(1) The Welsh Ministers may modify this Scheme by agreement with Qualifications Wales.

(2) Modifications may have effect from 21 September 2015.

*Huw Lewis*  
The Minister for Education and Skills, one of the  
Welsh Ministers

16 September 2015

Property, rights and liabilities  
transferring to Qualifications Wales

PART 1

1. Property of the Welsh Ministers listed in the table in paragraph 3.

2. Rights and liabilities of the Welsh Ministers in connection with the matters listed in the table in paragraph 3.

3. In this table, the details under “reference” are used by the Welsh Government to identify the property or the rights and liabilities transferring to Qualifications Wales.

<i>Description</i>	<i>Reference</i>
Lease with Hensol Properties for office accommodation: Q2 building in Newport, dated 18 May 2015	Contract: C313/2014/2015  Purchase order: 20202749
Agreement with Dŵr Cymru Cyfyngedig for provision of water services to Q2 building	Customer: 5355222501 Serial number: 11A10279
Agreement with SSE PLC for provision of electricity to Q2 building in Newport	Service user number: 696333  Supply number: 2100041016394
Agreement with Aspen Insurance UK Ltd for insurance	Policy numbers: N0A61QP15A0P, I0A62A315A0P, I0A62A315B0P  Contract: 4400006667 Purchase orders: 20203329,

	20203317, 20203330, 20203331
Agreement with Kier Facilities Services Limited for soft facilities management and cleaning services	Contract: 4400006869  Purchase order: 20206660
Agreement with Kier Facilities Services Limited to register for hazardous waste	Purchase order: 20206842
Agreement with Mitie Technical Facilities Management Limited for hard facilities management	Contract: 4400006860  Purchase order: 20206141
Agreement with Mitie Technical Facilities Management Limited for security and key holding services	Contract: 4400006893  Purchase order: 20206652
Registration with the Information Commissioner's Office for CCTV (Closed Circuit Television)	Registration reference: A8057394 – ICO 00042074883
Agreement with Morgans Consult for the external CCTV (Closed Circuit Television) signage	Purchase order: 20208105
Agreement with Hygiene Supplies Direct Limited for hand dryers	Purchase order: 20208111
Office furniture	As detailed in appendix 3 of the agreement to lease between Hensol Properties and Welsh Ministers on 5 March 2015.
Recycling bins	Purchase order: 20207855
Challenge Black Oscillating Pedestal Fan With Remote Control	Purchased May 2015
Health and safety equipment	Purchase order: 20201651
Hospitality equipment	IKEA receipt numbers:

	026700050284 200615, 026700030029 060715, 026700040159 050515, 026700040158 050515
Fire resistant security safe SEC755	Order confirmation: 18893120
Hotpoint fridge	DSRLAAV22 P Purchased May 2015
Agreement with Method 4 for website build and design	Contract: 4400006108  Purchase order: 20194929
Agreement with Prysgr for translation	Contract: 4400006527
Branding and identity guidelines	Contract: 4400003340  Purchase orders: 20149056  and 20189300
Branding and identity guidelines for Essential Skills Wales and Recognised Awarding Bodies	iShare file reference: fA752924
Rights associated with the following domain names:  qualificationswales.wales qualifications.wales qualificationswales.biz qualificationswales.co.uk qualificationswales.com qualificationswales.info qualificationswales.net qualificationswales.org qualificationswales.org.uk cymwysteraucymru.cymru cymwysterau.cymru cymwysteraucymru.biz cymwysteraucymru.co.uk cymwysteraucymru.com cymwysteraucymru.info cymwysteraucymru.net	Purchase order: 20200647

cymwysteraucymru.org cymwysteraucymru.org.uk	
The Qualifications Wales YouTube channel	<a href="https://www.youtube.com/channel/UCTIm4RliBmhjXAvyw727EmA">https://www.youtube.com/channel/UCTIm4RliBmhjXAvyw727EmA</a>
Promotional stands – Qualifications Wales	Purchase orders: 20172207 and 20198029
Promotional stands – Welsh Baccalaureate	Purchase order: 20187885
Delegate packs	Purchase order: 20198041
Photographic images and animations relating to Welsh Baccalaureate, GCSEs, A levels or vocational qualifications	Purchase order: 20188720
Agreement with York Consulting for a public confidence research project	Contract: C276/2014/15
Agreement with Computerworld Wales Limited for ICT equipment	Contract: 4400006701  C/316/2014/2015  Purchase order: 20203914
Agreement with Access UK Limited for a Human Resources and Finance System	Contract: 4400006905  Purchase order: 20206725
Agreement with Involve for audio visual equipment	Quote reference:  P15-095
Agreement with BT for the	Contract:



installation and maintenance of broadband services	4400001516, PSBA09326, PSBA09327, Purchase orders: 20192018, 20192019, 20192023, 20192024
Agreement with Atos for Local Area Network and Server Solution (Hardware/Software)	Quote reference: P15-092v4
Agreement with IRM for IT Health Check (ITHC) for Q2 network and Qualifications Wales website	Quote reference: P15-144
Agreement with Atos for Hosted Lync Services	Project services memorandum reference: PSM0603
Subscription with Microsoft Ireland for Cloud Services	Microsoft Azure Tenancy Agreement: d36be4bf-3956-4993-8778-692faf9f3b08
Agreement with Atos for data migration services	Quote reference: P15-121
Agreement with Triad Group PLC for the requirements and architecture for Qualifications in Wales (QiW) system	Contract: 4400006357 Purchase order:

	20184169
Agreement with Xeretec Office Systems Limited for office systems maintenance for multi functional devices	Purchase order: 20207812
Agreement with Minttulip Limited for systems integration and digital workplace training materials	Contract: 4400006003  Purchase order: 20192615
Agreement with Computerworld Wales Limited for a standalone laptop for CCTV (Closed Circuit Television)	Purchase order: 20201985
Agreements entered into with various individual contractors between 1 June 2015 and 11 September 2015 for accreditation review services in relation to a range of GCSEs and A levels	Accreditation review contract numbers:  2015-1 to 2015-51,  2015-53 to 2015-66
Agreement with WJEC CBAC Limited for the provision of support materials for GCSEs	Contract: C060/2014/2015  Purchase order: 0020197491
Agreement with Ofqual from 1 April 2015 to 31 March 2016 for the provision of RITS (Regulatory IT System) Database and Services	VQ Regulation / Ofqual (Office of Qualifications and Examinations Regulation) 020614 - DfES (Department for Education and Skills) Operating and Support Service

	Charge Contribution to RITS (Regulatory IT System) and Enhancement and Change Requests
Agreement with Press Data Ltd for media monitoring services	Contract: QWMM150901
Agreement with NLA Media Access for provision of a licence for media	Contract: QWNLA150901
Agreement with Care First for employee assistance services	Contract: NPS-PSU-0012-14 QWEAP
The Database of Approved Qualifications in Wales	www.daqw.org.uk
Agreement with Lockheed Martin for the maintenance of the Database of Approved Qualifications in Wales	Contract C083/2012/13
Agreement with the Government Actuary's Department for advice	Purchase order: 20207938
Agreement with MyCSP Ltd for pension statement work	Purchase order: 20208429
Headsets	Purchase order: 20209298
Documents relating to the Welsh Ministers' regulation of qualifications under Part V of the Education Act 1997(1)	Documents referred to in article 5(2) and (3), and article 7(2) to (5) of the

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(1) 1997 c. 44.

	Qualifications Wales Act 2015 (Commencement No.2 and Transitional and Saving Provisions) Order 2015(1)
Agreement with Insync Corporate Healthcare Ltd for occupational health services	Contract number:  NPS-PSU-0012-14 QWOH
Agreement with Blake Morgan LLP to provide legal advice in relation to commissioning processes	Purchase order: 20195752

4. The Welsh Ministers' interest in the following trademarks which have been allocated registration numbers by the Intellectual Property Office:

<b>Trademark</b>	<b>Trademark Registration Number</b>
Advanced Extension Award	EU004956264 UK00002416946
AEA	EU004955341 UK00002416942
GCE	EU004954749 UK00002416938
GCSE	EU004954533 UK00002416937
General Certificate of Education	EU004955571 UK00002416943
General Certificate of Secondary Education	EU004956074 UK00002416945
General National Vocational Qualification	EU004956504 UK00002416936
GNVQ	EU004955183 UK00002416940
Qualifications Wales	UK00002655757
Qualifications Wales (logo)	UK00003052445
VCE	UK00002416939 EU004954905
Vocational Certificate of Education	UK00002416947 EU004956355

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(1) S.I. 2015/ 1687 (W.219) (C.98)

## PART 2

**5.** The following categories of grants agreements:

- (a) Colegau Cymru Qualifications Support;
- (b) Welsh Medium VQ Grant Support Programme;
- (c) Award of Funding in relation to providing Welsh-medium general qualifications;
- (d) Development of VQ regulatory tools;
- (e) Education Achievement Service (EAS)/ Central South Consortium Joint Education Service;
- (f) Regional School Effectiveness and Improvement Service for North Wales;
- (g) Education Through Regional Working.

## PART 3

**6.** Records and documents relating exclusively to the employment of members of staff transferring to Qualifications Wales.